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Goldstar Estate Buyers Corporation

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

LINDA NOONAN, an Individual, Plaintiff, vs. GOLDSTAR ESTATE BUYERS CORPORATION, Defendant.
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Case No. 13-cv-00354-HU

**DEFENDANT GOLDSTAR
ESTATE BUYERS
CORPORATION'S MOTION TO
DISMISS**

Fed. R. Civ. P. 12(b)(6)

Request for Oral Argument

LR 7-1 CERTIFICATION

Pursuant to LR 7-1(a), the parties attempted to resolve this dispute in good faith through telephone conferences, but were unable to do so without court assistance.

MOTION

Pursuant to Fed. R. Civ. P. 12(b)(6), Defendant Goldstar Estate Buyers Corporation moves to dismiss Plaintiff's claims against it for failure to state a claim. *See Ashcroft v. Iqbal*, 556 US 662, 129 S Ct 1937, 173 L Ed 2d 867 (2009).

Plaintiff's first claim for breach of the duty of good faith and fair dealing fails because courts do not imply such a duty into an employment contract with regard to termination.

Plaintiff's second claim for wrongful discharge fails because Plaintiff has adequate statutory remedies for her claims. Plaintiff's third claim for relief fails because the allegations do not give rise to sufficiently outrageous conduct to amount to a claim for intentional infliction of emotional distress. Finally, Plaintiff's fourth claim for negligence fails because Plaintiff has not alleged any physical injury or a special relationship which could support her claim for economic damages.

This motion is supported by the accompanying Memorandum, and the record before the court.

Dated: July 18, 2013

By: /s/ Kjersten Turpen
Christopher E. Hawk, OSB # 061635
Kjersten Turpen, OSB # 025920
Attorneys For:
Defendant Goldstar Estate Buyers
Corporation

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on the 18th day of July, 2013, and pursuant to the Fed. R. Civ. P., I filed and served via CM/ECF, a true and correct copy of the foregoing **DEFENDANT GOLDSTAR ESTATE BUYERS CORPORATION'S MOTION TO DISMISS** to all parties as identified on the Court-generated Notice of Electronic Filing and/or Court docket including:

Aaron W. Baker 650 Pioneer Tower 888 SW Fifth Avenue Portland OR 97204 awblaw@earthlink.net <i>Attorneys for Plaintiff</i>	Tara Lawrence Lawrence Law Office, P.C. 6915 SW Macadam Avenue, Suite 115 Portland, OR 97219 tara@taralawrencelaw.com <i>Attorneys for Plaintiff</i>
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Executed on July 18, 2013 at Portland, Oregon.

GORDON & REES LLP

By: /s/ Kjersten Turpen
Christopher E. Hawk (OSB #061635)
Kjersten Turpen (OSB #025920)
Of Attorneys for Defendant Goldstar
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